

Dockets Management Branch (HFA 305)  
Food and Drug Administration  
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Comments re. docket no. 02N0276/0278

Etten-Leur, april 4th, 2003

Dear sirs,

As a food processor (and as consumers, naturally) we understand the importance of a traceability system to protect the food supply and are of course prepared to contribute our share. However we see some practical problems in the proposed legislation that we would like to bring under your attention.

- A foreign facility is required to register if it is last in the chain before exporting food to the US. An exemption to this is when this facility only performs a minimal activity. In this case the facility who delivers the food to the exporter also has to register. In the video-conference it is said that "it would behoove the distributor to talk to the facility to make sure the facility is registered". If this facility does not export to the US themselves it is likely that they are not registered. Or want to register, since they also would have to appoint a US agent!? The exporter (or distributor) depends on the goodwill of this facility and cannot ensure or enforce compliance. We in this case would not be able to guarantee that our supplier is registered and may encounter problems when the food is imported in the USA.  
It is also possible this facility also only performs a minimal activity. How far back should the chain go? In this case it also needs to be clear what a "minimal activity" is. Please notice the EU legislation on this matter requires a facility to know only one step up and one step down in the chain.
- Should a (public) warehouse which holds foods for an exporter also be registered? A warehouse seems even less likely to be registered since they in general do not buy, sell or export.
- Registration can be done via internet, apparently without further documentation. This seems very open to fraud. Can anyone register anything?
- Can the prior notice also be made anyone or does the submitter need an identification code or number? I can imagine it is possible that a malicious person can submit fake notifications, thus disrupting the system? (Similar to some so-called "virus hoaxes" I receive occasionally).

We hope you will take notice of these remarks and that these may be helpful to you.

Kind regards,

SVZ International bv  
BJM van Leeuwen

02N-0278

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